

**FIFTEENTH LEGISLATIVE DAY
MONDAY, JANUARY 26, 2004**

House of Representatives

The House convened at 11:15 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Langhorst, Sali. Total -- 2.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jessica Christensen, Page.

Approval of Journal

January 26, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twelfth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 26, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 538**, **H 539**, and **H 540**.

FIELD(18), Chairman

H 538 was referred to the Revenue and Taxation Committee.

H 539 was referred to the State Affairs Committee.

H 540 was referred to the Transportation and Defense Committee.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 541
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-604, IDAHO CODE, TO REVISE CRITERIA AS

TO HOW LAND CAN BE LAND ACTIVELY DEVOTED TO AGRICULTURE AND APPRAISED, ASSESSED AND TAXED AS AGRICULTURAL PROPERTY FOR PROPERTY TAX PURPOSES AND TO DEFINE THE TERM "BONA FIDE LESSEE"; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 542
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO ASSESSMENT AND TAXATION OF OPERATING PROPERTY; AMENDING SECTION 63-405, IDAHO CODE, TO PROVIDE THAT ON AND AFTER JANUARY 1, 2004, ANY NEWLY INSTALLED OR CONSTRUCTED EQUIPMENT LOCATED WITHIN A CITY CORPORATE LIMIT OR WITHIN FIVE MILES OF A CITY CORPORATE LIMIT AND USED FOR AND IN CONJUNCTION WITH THE THERMAL GENERATION OF ELECTRICITY SHALL BE APPORTIONED BASED ON PHYSICAL LOCATION AND TO PROVIDE THAT NEWLY INSTALLED OR CONSTRUCTED EQUIPMENT USED FOR AND IN CONJUNCTION WITH THE THERMAL GENERATION OF ELECTRICITY SHALL NOT INCLUDE THE REMODELING, RETROFITTING, REHABILITATION, REFURBISHING OR MODIFICATION OF AN EXISTING ELECTRICAL GENERATION FACILITY, OR INTEGRATION OR TRANSFORMATION FACILITIES SUCH AS SUBSTATIONS OR TRANSMISSION LINES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 543
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO THE SALES AND USE TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3640A, IDAHO CODE, TO PROVIDE FOR CONTRACTS ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THE INCREASED SALES AND USE TAX; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

H 541, **H 542**, and **H 543** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 514, by Appropriations Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 475 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Roberts to open debate.

The question being, "Shall **H 475** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Ringo, Robison, Smith(30), Trail, Wills, Wood, Mr. Speaker. Total -- 56.

NAYS -- Andersen, Boe, Martinez, Mitchell, Naccarato, Pasley-Stuart, Ringo, Robison, Smith(30), Trail. Total -- 10.

Absent and excused -- Crow, Eberle, Langhorst, Sali. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 475** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 503 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 503** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Crow, Langhorst, Sali. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 503** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 504 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **H 504** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Langhorst, Sali. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 504** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 11 a.m., Tuesday, January 27, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:47 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk